

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

June 29, 2015

AGENDA BOARD OF SELECTMEN MONDAY, JUNE 29, 2015

6:30 p.m. – Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following: Monday, June 15, 2015 Regular & Executive Sessions – **Vote Required**

APPOINTMENTS & HEARINGS

- 6:30 Public Comment
- 6:40 Public Hearing: Approval of Alteration of Premises/Asia Palace – **Vote Required**
- Public Hearing: Approval of Class II License/Aaron Bornstein – **Vote Required**
- 7:00 Update on Mashpee TV/Selectman Designee Wayne Taylor

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

- 1) Discussion: Private to Public Road Conversion of Annawon Road, Canonchet Avenue, Crow Road, Huron Avenue, Metacom Road, Mohawk Road, Oneida Avenue, Seneca Avenue, Wamsutta Road, Wessagusset Avenue – **Possible Vote**

NEW BUSINESS

- 1) Approval of Request to Waive Annual Building Inspection Fee/Boys & Girls Club of Cape Cod – **Vote Required**
- 2) Approval of Appointment to the Special Events Committee/Wayne Taylor – **Vote Required**
- 3) Approval of Appointment to the Mashpee Cultural Council/Patricia DeBoer – **Vote Required**
- 4) Approval of Appointment to the Mashpee Cares Committee/Hope Shwom – **Vote Required**

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed.)

LIAISON REPORTS

EXECUTIVE SESSION

- Contract Negotiation – Town Manager

Board of Selectmen
Minutes

June 29, 2015

Present: Selectman Cahalane, Selectman Sherman, Selectman Gottlieb
Town Manager Joyce Mason
Assistant Town Manager Tom Mayo

Absent: Selectman O'Hara, Selectman Cotton

Meeting Called to Order by Chairman Cahalane at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Monday, June 15, 2015 Regular & Executive Sessions:

Motion made by Selectman Sherman to approve the Regular and Executive Session minutes of Monday, June 15, 2015 as presented.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment: None at this time.

COMMUNICATIONS & CORRESPONDENCE

Affordable Housing Feasibility Study Determination:

With regards to the PATH (Planning Assistance Towards Housing) grant proposed to conduct a combined affordable housing feasibility study at Town owned sites located on 950 Falmouth Road and 209 Old Barnstable Road, it was disclosed the grant funding requires the Town to perform a preliminary study relative to site access and infrastructure. Tom Mayo, the Assistant Town Manager indicated that a quote has been secured from the Horsley & Witten Group to perform preliminary work associated to the Affordable Housing Feasibility study.

Mr. Mayo is expected to submit the amended grant application to PATH with cost estimates to complete the initial scope of the study.

Board of Selectmen

Minutes

June 29, 2015

OLD BUSINESS

Discussion: Private to Public Road Conversion of Annawon Road, Canonchet Avenue, Crow Road, Huron Avenue, Metacom Road, Mohawk Road, Oneida Avenue, Seneca Avenue, Wamsutta Road, Wessagusset Avenue:

At their June 15, 2015 meeting, the Board of Selectmen received comment from the residents of the above referenced roads regarding the Selectmen's intent to convert the roads from private to public for safety purposes.

After hearing concerns in favor and in opposition to the proposal, the Board of Selectmen agreed to take the subject matter under advisement, and revisit the issue at the next meeting.

In response to the Public Hearing, the Board of Selectmen was in receipt of one letter of support from James and Nancy Healy of 15 Annawon Road dated June 22, 2015.

At the last meeting, many residents expressed opposition and the inability to support the betterment, a \$13,331.85 cost to be borne by each of the 75 property owners. At the meeting there was consensus of the Board of Selectmen to not support the road takings unless there was overwhelming residential support.

An option previously considered was for the residents to initiate the petition process by road. With the completion of the engineering and construction estimate, this procedure can be easily accomplished through the petition process. Being no comment, the Board motioned to close the Public Hearing.

Motion made by Selectman Gottlieb to close the Public Hearing.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Motion made by Selectman Gottlieb to not include the John's Pond Road Conversion as proposed on the October 2015 Town Meeting warrant.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Board of Selectmen

Minutes

June 29, 2015

OLD BUSINESS

Discussion: Private to Public Road Conversion of Annawon Road, Canonchet Avenue, Crow Road, Huron Avenue, Metacom Road, Mohawk Road, Oneida Avenue, Seneca Avenue, Wamsutta Road, Wessagusset Avenue: (continued)

The Board of Selectmen accepted a brief comment after the close of the Public Hearing.

Meredith Chadwick, 26 Canonchet Avenue asked about the breakdown cost for each road. In response, the Town Manager indicated the Town is currently beginning the process to define the individual cost estimates. Ms. Chadwick also inquired about obtaining cold patch to repair damaged road areas and mowing along the embankment on Canonchet near the pond. In the absence of the DPW Director, the questions were not immediately answered, but it was agreed the Town would look into this matter further to obtain an appropriate response.

NEW BUSINESS

Approval of Request to Waive Annual Building Inspection Fee/Boys & Girls Club of Cape

Cod:

Correspondence was received from the Mashpee Boys & Girls Club of Cape Cod dated June 4, 2015 requesting the Board waive the annual \$40 inspection fee, as done in past years to assist the club in maintaining low membership costs for the children of Mashpee and Cape Cod. It was noted the fee is associated to the Summer Camp program.

Motion made by Selectman Sherman to approve the request of the Boys & Girls Club of Cape Cod, and waive the Annual Building Inspection Fee of \$40 as referenced.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Board of Selectmen
Minutes
June 29, 2015

NEW BUSINESS

Approval of Appointment to the Special Events Committee/Wayne Taylor:

The Board of Selectmen was in receipt of a letter of interest dated June 23, 2015 from former Board of Selectmen member Wayne Taylor to serve on the Special Events Committee. Additional communication was received from Mary Bradbury, Recreation Director recommending his appointment.

Motion made by Selectman Gottlieb to appoint Wayne Taylor to the Special Events Committee as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Approval of Appointment to the Mashpee Cultural Council/Patricia DeBoer:

Correspondence was received from Patricia DeBoer; Quashnet School Principal dated June 17, 2015 expressing an interest in representing Mashpee as a member of the Board of Directors for the Mashpee Cultural Council.

Motion made by Selectman Gottlieb to appoint Patricia De Boer to the Mashpee Cultural Council.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Board of Selectmen
Minutes
June 29, 2015

Approval of Appointment to the Mashpee Cares Committee/Hope Shwom:

Cedric Cromwell, Chair of the Mashpee Wampanoag Tribe remitted communication to the Board in a memorandum dated June 17, 2015 recommending the appointment of Hope Shwom to the Mashpee Cares Commission.

Motion made by Selectman Sherman to appoint Hope Shwom to the Mashpee Cares Commission as recommended.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

APPOINTMENTS & HEARINGS:

Update on Mashpee TV/Selectman Designee Wayne Taylor:

Wayne Taylor, Mashpee's representative to the Mashpee TV Board reviewed the transition of Channel 18 scheduled to begin the week of July 6, 2015. It was reported that currently, operations are running smoothly under the supervision of the existing staff and Executive Board. Mr. Taylor indicated the plan for the change-over of Channel 18 is secure.

An updated informational packet detailed the plan for Channel 18. To move forward with the process Mr. Taylor recommended the Board of Selectmen request a formal extension of the Channel 18 programming with MTV. It was agreed Mashpee TV would be requested to place the plan in writing for the Selectmen to formally approve the extension at their July 13, 2015 meeting.

Mr. Taylor indicated that Bill Nay is the candidate for station manager. Mr. Nay will be on board until October acting as a consultant to initiate purchases and coordinate the installation of equipment at the Town Hall site location. Mr. Nay has a sound reputation and is knowledgeable of MA cable systems and requirements. The Board was informed that Mr. Nay would be conducting a site visit at the Mashpee Town Hall this Wednesday.

It was also noted that communication between the Town and MTV has improved, and Mr. Taylor has been attending the Executive Board meetings and receives meeting minutes regularly. This represents a change the Town has been looking for with Wayne Taylor as the Selectmen's representative. The Board noted they are comfortable the broad concept of the contract and its terms is now being met with Mashpee TV.

Board of Selectmen
Minutes
June 29, 2015

APPOINTMENTS & HEARINGS:

Public Hearing: Approval of Alteration of Premises/Asia Palace:

The Board of Selectmen opened the Public Hearing on the restaurant Mashpee Oriental, Inc., d/b/a Asia Palace, 3 Greene Street, Mashpee to alter the premises as follows: To include service of food and alcohol outdoors, increasing the seating of patrons by 56, for a total seating capacity of the establishment to 169.

The Hearing notice was read aloud into the record. The licensee Meina KO was in attendance as was her representing attorney who presented the Board with the Notice to Abutters list. A copy of the revised seating plan was presented to the Board for review.

It was disclosed the Fire and Building Departments have made comment with respect to the revised plan for 56 seats. Fire Chief Tom Rullo was in attendance and related concern regarding access to the sprinkler system located on Greene Street, Mashpee. To eliminate the concern for blocked access, Chief Rullo recommended the applicant remove (1) table at the site location. It was also stated that Building Inspector Mendoza has requested the applicant adhere to the minimum spacing requirement between the chairs. It is stipulated the minimum width is 12" if seating is more than four.

It was noted the revised plan reflects a total patron seating of 50, not 56. It was agreed the Building Inspector would be consulted regarding the number of seats allowed in the outdoor area. In accordance with outdoor seating requirements for the service of alcohol, the Board of Selectman also stipulated the applicant must section off the outdoor seating area.

Representing counsel for Ms. KO recommended the Board allow the purpose of the outdoor service area pending final approval by the Building Inspector regarding the number of seats allowed.

Being no further comment, the Board motioned to close the Public Hearing.

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Board of Selectmen
Minutes
June 29, 2015

APPOINTMENTS & HEARINGS:

Public Hearing: Approval of Alteration of Premises/Asia Palace: (continued)

Motion made by Selectman Gottlieb to approve the request of Mashpee Oriental, Inc., d/b/a Asia Palace, 3 Greene Street, Mashpee to alter the premise to include the service of food and alcohol outdoors pending the final sign-off by the Building Inspector regarding the number of seats allowed, and adhering to the Fire Department's request to not block access to the sprinkler system on Green Street, and the Town's requirement to section off the outdoor seating area.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent

Selectman Cotton, absent

Opposed, none

Public Hearing: Approval of Class II License/Aaron Bornstein:

The Board of Selectmen opened the Public Hearing on the Application of Aaron Bornstein to operate a Class II Dealer's License at Cape Cod Custom Car Storage, LLC, located at 104 Falmouth Road, Route 28, Mashpee.

In accordance with posting requirements, the Hearing notice was read aloud into the record.

Aaron Bornstein was in attendance to request the Board approve his license application to operate a Class II Dealer's License to operate his intended business of storing automobiles at the site location. The premise consists of a 60' x 425' storage garage and showroom.

Mr. Bornstein explained that under state law, a dealer's license is required for the sale of vehicles as well as for the storage of vehicles. Mr. Bornstein indicated the site location would not become a car lot and vehicles would not be on display outdoors for sale. There would be no flags or signage. All vehicles would be stored inside. While charging customers a storage fee, Mr. Bornstein would have permission from the owner to sell the car. When asked if he were granted a license would Mr. Bornstein intend to seek an amended license for the sale of cars, Mr. Bornstein stated he would not seek to amend the license to sell cars outside. Mr. Bornstein stated he does not intend to place any vehicles outside for sale. However, Mr. Bornstein stated that eventually he would want a permit to store vehicles outside for 6 to 8 months and ensured the Board the vehicles would not be for sale, and there would not be any signage. Although the situation is ideal for the sale of RV's outside, Mr. Bornstein indicated he is not seeking to sell RV's outside and would not put RV's on his website for sale.

Board of Selectmen

Minutes

June 29, 2015

APPOINTMENTS & HEARINGS:

Public Hearing: Approval of Class II License/Aaron Bornstein: (continued)

For clarification purposed, the Selectmen asked Mr. Bornstein what he is asking for with the license request. Mr. Bornstein stated he is looking to sell the automobiles that are stored inside. Mr. Bornstein indicated there would not be any public in the building and he is not seeking to sell vehicles outside. And, further, Mr. Bornstein stated he would not be purchasing or displaying secondhand vehicles for resale. Mr. Bornstein indicated he would be displaying vehicles and receiving compensation as a commission broker.

It was noted that currently, Mr. Bornstein is before the Planning Board seeking a modification of his Special Permit in two buildings located at 106 Falmouth Road behind the former Augat building for the modification of allowed uses of a 108,300 sq. ft. of self-storage, contractor storage and non-manufacturing business incubator/office space in two buildings. The property is identified as 104 Falmouth Road, Mashpee. The current proposed modification involves the sale or rental of automobiles, boats, and other motor vehicles and accessory storage to the list of allowed uses und the Special Permit, to allow an auto sales operation and vehicle storage on the 27,000 sq. ft. first floor of Building 1. A hearing on this matter is scheduled with the Planning Board and the Cape Cod Commission in mid-July regarding the storage of RV's outside.

Mr. Bornstein was asked if he intends to store recreational vehicles (RV's) outside. In response Mr. Bornstein stated that he is contemplating storing vehicles at the adjacent property. Mr. Bornstein added that all utilities are in place and construction is anticipated in the next few months.

Originally Mr. Bornstein stated that he expected 15-20 tenants in each building. With the economy change, there is now a market for the storage of vehicles. Mr. Bornstein explained initially it was thought 50-60 people would be employed, but now he is leaning towards a different use. Mr. Bornstein indicated his permit is good. He holds a permit for storage, a welding shop, repair shops, etc. within his allowed use. Now, Mr. Bornstein is seeking a change in the reduction of parking from 190 cars. With the change in business venue from what was perceived, it will now be a very quiet operation. Mr. Bornstein indicated that he could decide to change the use of the building to conduct inside repairs. If we want to fix cars, our permit would allow us to fix cars stated Mr. Bornstein, but we don't fix cars. Mr. Bornstein added there would be no storage for automobile sales. At Planning Board hearing,

Mr. Bornstein stated he would not make a request to sell RV's.

Being no comment, the Board motioned to close the Public Hearing.

Board of Selectmen
Minutes
June 29, 2015

APPOINTMENTS & HEARINGS:

Public Hearing: Approval of Class II License/Aaron Bornstein: (continued)

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Being uncomfortable granting a license not knowing the ultimate decision of the Town Planning Board and the Cape Cod Commission, Selectman Gottlieb recommended at minimum the Board stall the Hearing, or remove the Hearing to deny this matter with prejudice.

Mr. Bornstein stated this is not fair. Selectman Gottlieb indicated there is a Hearing on this matter in two weeks, and Mr. Bornstein would have the ability to make a change. Selectman Gottlieb added that he wants to be in a position to know what the Board of Selectmen is licensing.

Motion made by Selectman Gottlieb to continue the Public Hearing on the Application of Aaron Bornstein to operate a Class II Dealer's License at Cape Cod Custom Car Storage, LLC, located at 104 Falmouth Road, Mashpee until such time any pending regulatory changes are made and until the Board of Selectmen obtains a full restitution of what is happening at the site location.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Board of Selectmen
Minutes

June 29, 2015

LIAISON REPORTS

Community Picnic: The annual Mashpee Community Picnic & Fireworks remains on schedule for July 1, 2015 starting at 5:00 p.m. with fireworks at dusk. The event will be held at the Mashpee High School/Middle School. If there is rain, the alternate date is Thursday, July 2, 2015.

EXECUTIVE SESSION:

Contract Negotiation – Town Manager:

Due to the lack of a full voting quorum of the Board of Selectmen, it was unanimously agreed the Executive Session matter as referenced would be deferred to Monday, July 13, 2015.

Adjournment:

Motion made by Selectman Sherman to adjourn at 7:05 p.m.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent
Selectman Cotton, absent	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen